

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

JEFFREY C. URSCH

Plaintiff,

vs.

CABELA'S INCORPORATED and
CABELA'S RETAIL MO, LLC

Defendants.

Cause No.

**PLAINTIFF DEMANDS
TRIAL BY JURY**

**PLAINTIFF'S COMPLAINT – UNLAWFUL DISCRIMINATION BASED
ON AGE**

Plaintiff, Jeffery C. Ursch, makes the following general allegations:

Nature of Case

1. Plaintiff seeks redress for the unlawful discrimination based on age by Defendants Cabela's Incorporated and Cabela's Retail MO, LLC.

Parties

2. Plaintiff, Jeffery C. Ursch, is a male over the age of forty years, and at all times material hereto has been a citizen of the State of Illinois, residing in the City of Alton, located within Madison County, State of Illinois.

3. Defendant, Cabela's Incorporated, (hereinafter referred to as, "Cabela's Inc."), at all times material hereto, has been a Delaware corporation, registered as a foreign corporation in the State of Nebraska, with its principle place of business and registered agent in Nebraska located at One Cabela Drive, Sidney, Nebraska, 69160.

4. Defendant, Cabela's Retail MO, LLC, (hereinafter referred to as, "Cabela's Retail"), at all times material hereto, has been a wholly owned subsidiary of Cabela's Inc. and itself is a Missouri company in good standing and authorized to do business in Missouri.

5. Defendant, Cabela's Inc., by and through its wholly owned subsidiary, Cabela's Retail, at all relevant times owned, managed and operated and/or maintained a retail store known as Cabela's located at or around 5555 St. Louis Mills Blvd. # 167, Hazelwood, Missouri 63042, (hereinafter known as the Hazelwood Cabela's").

Jurisdiction

6. Jurisdiction is conferred on this court pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1332. In this case, redress for federal and constitutional violations sought pursuant to 29 U.S.C. §§ 621 et seq. Venue is proper in this court pursuant to 28 U.S.C. § 1391.

Facts

7. On or about October, 2009 Plaintiff was hired by Cabela's Inc., by and through its wholly owned subsidiary Cabela's Retail, to work at the Hazelwood Cabela's as an associate employee in their Private Gun Library.

8. Part of Plaintiff's employment position as an associate in the Private Gun Library was to evaluate the condition and value of firearms that customers would bring to the Hazelwood Cabela's to sell, and if possible, negotiate favorable terms of purchase of firearms for Defendants so that Defendants could list them for sale themselves. Plaintiff had considerable experience in this area as demonstrated by the fact that Defendants employed Plaintiff in this capacity for almost six years.

9. On or about the first week of June 2016, Plaintiff retrieved from a trash can located in Private Gun Library a leather holster that a Hazelwood Cabela's customer had abandoned into said a trash can.

10. On or about June 2, 2016, Defendants discharged Plaintiff from their employment.

11. Defendants replaced Plaintiff with a younger employee under the age of 40, who was less qualified than Plaintiff.

12. Defendants fired Plaintiff and replaced him with a younger, unqualified person because Plaintiff is over 40 years of age.

13. Prior to the events that transpired above, Plaintiff had no discipline or policy violations.

14. Defendants have refused to re-hire plaintiff.

15. Plaintiff has filed a timely complaint with the U.S. Equal Employment Opportunity Commission, and received a right to sue letter.

Count

Age Discrimination in Employment Act — 29 U.S.C. §§ 621 et seq. ("ADEA")

16. Paragraphs 1 through 15 are incorporated herein.

17. Defendants intentionally engaged in unlawful employment practices in violation of the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 et seq., as amended, by practices including, but not limited to the following:

a. discharging Plaintiff because he is over the age of forty years and promoting a person under the age of forty years to fill his position.

18. Said wrongful acts, conduct and omissions of Defendants are violative of the civil rights of Plaintiff, including those guaranteed by 29 U.S.C. § 623.

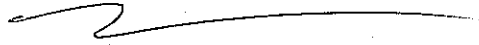
19. As a direct and proximate result of said wrongful acts, conduct, and omissions, Plaintiff has suffered and sustained damages, continues to suffer and sustain damages, and will in the future suffer and sustain damages.

WHEREFORE, Plaintiff demands a TRIAL BY JURY and that the following relief be granted:

- a. For general damages in the amount of five hundred thousand dollars (\$500,000).
- b. Full back pay from the date of Plaintiff's termination, taking into account all raises to which Plaintiff would have been entitled but for his unlawful termination, and all fringe and pension benefits of employment, with prejudgment interest;
- c. Reinstatement to Plaintiff's former position with Defendants at his previous pay grade, taking into account all raises to which Plaintiff would have been entitled but for his unlawful termination, or, in the alternative, front pay to compensate Plaintiff for lost future wages, benefits, and pension;
- d. Plaintiff have and recover actual nominal damages;
- e. Plaintiff have and recover liquidated damages in an additional amount equal to his back pay and benefits in accordance with 29 U.S.C. § 626(b);
- f. Plaintiff have and recover his attorney's fees and costs of litigation pursuant to 29 U.S.C. §§ 626(b) and 216(b); and,
- g. Such other and further relief that this Court or the finder of fact deems equitable and just.

Dated: June 6, 2017

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